

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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BECKY BARNES-BOERS,  
Plaintiff,

v.

SILVERSHIELD, LLC, a Delaware  
Limited Liability Company;  
and Does 1-10,  
Defendants.

CIV. NO. 2:13-1583 WBS CMK

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for January 21, 2014, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All remaining defendants have been served, and no further service is permitted without leave of court, good cause

1 having been shown under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to  
4 pleadings will be permitted except with leave of court, good  
5 cause having been shown under Federal Rule of Civil Procedure  
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction is predicated upon federal question  
10 jurisdiction, 28 U.S.C. §§ 1331, 1343, because plaintiff's claims  
11 arise under the Americans with Disabilities Act, 42 U.S.C. §  
12 12101 et seq. Venue is undisputed and is hereby found to be  
13 proper.

14 IV. SETTLEMENT CONFERENCE

15 The court has determined that this case is appropriate  
16 for an early settlement conference. The parties shall contact  
17 the assigned magistrate judge's courtroom deputy no later than  
18 January 24, 2014, by phone or email to schedule an early  
19 settlement conference. Contact information for the assigned  
20 magistrate judge is available at [www.caed.uscourts.gov](http://www.caed.uscourts.gov) under the  
21 "Judges" tab.

22 At the settlement conference, each party is ordered to  
23 have a principal with full settlement authority present at the  
24 conference or be fully authorized to settle the matter on any  
25 terms. No later than seven days before the date of the  
26 Settlement Conference, counsel for each party shall submit a  
27 confidential Settlement Conference Statement to the settlement  
28 judge. Such statements shall not be filed, but shall be

1 delivered to the chambers of the settlement judge, in hard copy.

2 V. DISCOVERY

3 The parties shall serve the initial disclosures  
4 required by Federal Rule of Civil Procedure 26(a)(1) by no later  
5 than January 31, 2014.

6 The parties shall disclose experts and produce reports  
7 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
8 later than June 2, 2014. With regard to expert testimony  
9 intended solely for rebuttal, those experts shall be disclosed  
10 and reports produced in accordance with Federal Rule of Civil  
11 Procedure 26(a)(2) on or before June 23, 2014.

12 All discovery, including depositions for preservation  
13 of testimony, is left open, save and except that it shall be so  
14 conducted as to be completed by July 14, 2014. The word  
15 "completed" means that all discovery shall have been conducted so  
16 that all depositions have been taken and any disputes relevant to  
17 discovery shall have been resolved by appropriate order if  
18 necessary and, where discovery has been ordered, the order has  
19 been obeyed. All motions to compel discovery must be noticed on  
20 the magistrate judge's calendar in accordance with the local  
21 rules of this court and so that such motions may be heard (and  
22 any resulting orders obeyed) not later than July 14, 2014.

23 VI. MOTION HEARING SCHEDULE

24 All motions, except motions for continuances, temporary  
25 restraining orders, or other emergency applications, shall be  
26 filed on or before September 2, 2014. All motions shall be  
27 noticed for the next available hearing date. Counsel are  
28 cautioned to refer to the local rules regarding the requirements

1 for noticing and opposing such motions on the court's regularly  
2 scheduled law and motion calendar.

3 VII. FINAL PRETRIAL CONFERENCE

4 The Final Pretrial Conference is set for October 27,  
5 2014, at 2:00 p.m. in Courtroom No. 5. The conference shall be  
6 attended by at least one of the attorneys who will conduct the  
7 trial for each of the parties and by any unrepresented parties.

8 Counsel for all parties are to be fully prepared for  
9 trial at the time of the Pretrial Conference, with no matters  
10 remaining to be accomplished except production of witnesses for  
11 oral testimony. Counsel shall file separate pretrial statements,  
12 and are referred to Local Rules 281 and 282 relating to the  
13 contents of and time for filing those statements. In addition to  
14 those subjects listed in Local Rule 281(b), the parties are to  
15 provide the court with: (1) a plain, concise statement which  
16 identifies every non-discovery motion which has been made to the  
17 court, and its resolution; (2) a list of the remaining claims as  
18 against each defendant; and (3) the estimated number of trial  
19 days.

20 In providing the plain, concise statements of  
21 undisputed facts and disputed factual issues contemplated by  
22 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims  
23 that remain at issue, and any remaining affirmatively pled  
24 defenses thereto. If the case is to be tried to a jury, the  
25 parties shall also prepare a succinct statement of the case,  
26 which is appropriate for the court to read to the jury.

27 VIII. TRIAL SETTING

28 The jury trial is set for December 16, 2014, at 9:00

1 a.m. Defendants request a jury trial. The parties estimate that  
2 a jury trial will take between three and five days.

3 IX. MODIFICATIONS TO SCHEDULING ORDER

4 Any requests to modify the dates or terms of this  
5 Scheduling Order, except requests to change the date of the  
6 trial, may be heard and decided by the assigned Magistrate Judge.  
7 All requests to change the trial date shall be heard and decided  
8 only by the undersigned judge.

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10 Dated: January 15, 2014



11 **WILLIAM B. SHUBB**  
12 **UNITED STATES DISTRICT JUDGE**  
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